

REMARKS

The Office Action dated May 4, 2007 has been received and reviewed. Claims 1, 5, 8, 12, 16, 18, 20-21, 23, 26, 28-29, 32-34, and 36-38 have been amended, and claims 2, 13, 27, and 35 have been canceled. The pending claims are claims 1, 3-12, 14-26, 38-34 and 36-38. Reconsideration and withdrawal of the pending rejections are respectfully requested.

Claim Amendments

Independent claims 1, 12, 26, and 33 were amended to include an array of LED dies, and a continuous intermediate layer. Support for these amendments can be found, e.g., in the Specification at page 8, lines 11-15; page 11, lines 15-22; page 14, lines 16-20; Figure 2 (items 206 and 220) and Figure 6 (items 612 and 626).

Dependent claims 5 and 8 were amended to be consistent with amended claim 1.

Dependent claims 16, 18, 20-21, and 23 were amended to be consistent with amended claim 12.

Dependent claims 28-29, and 32 were amended to be consistent with amended claim 26.

Dependent claims 34 and 36-38 were amended to be consistent with amended claim 33.

Rejections under 35 U.S.C. § 102(e)

Claims 12-17, 25-27, and 31-32 are rejected under 35 U.S.C. § 102(e) as being anticipated by Durocher et al. (U.S. Patent No. 6,733,711). Applicants respectfully traverse this rejection.

In order to anticipate a claim, each and every element of that claim must be disclosed by a single reference. Claims 13 and 27 have been canceled and therefore no argument is necessary. Claim 12, on which claims 14-17 and 25 are dependent, was amended to recite a continuous intermediate layer disposed between the array of LED dies and couplers. In order to anticipate claim 12 the reference must disclose a device having a continuous intermediate layer disposed between an array of LED dies and couplers. In the same manner, claim 26, on which claims 31-

32 are dependent, discloses a continuous intermediate layer disposed over the array of LED dies. In order to anticipate claim 26 the reference must disclose a device having a continuous intermediate layer disposed over an array of LED dies. Durocher et al. does not disclose a continuous intermediate layer disposed over an array of LED dies, but rather discloses discrete, individual intermediate layers, with each layer over one LED die. Durocher et al. therefore does not anticipate claims 12 and 26, or claims 14-17, 25, 31, and 32 which are dependent thereon. Applicants therefore respectfully request that this rejection be withdrawn.

Applicants also note that claims 14-17, 25, 31, and 32 provide further elements that may contribute to patentability.

Rejections under 35 U.S.C. § 103(a)

Claims 1-9, 11, 18-23, and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Durocher et al., and further in view of Miller et al. (U.S. Patent No. 6,155,699). Applicants respectfully traverse this rejection.

According to M.P.E.P. § 2142, three basic criteria must be met in order to establish a *prima facie* case of obviousness. First, the prior art reference (or references when combined) must teach or suggest all of the elements of the rejected claims. Second, there must be some suggestion or motivation, either in the references themselves, or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Third, there must be a reasonable expectation of success. Applicants respectfully submit that a *prima facie* case has not been established at least because the combination of Durocher et al. and Miller et al. does not teach all of the elements of claims 1-9, 11, 18-23, and 28-30.

Applicants reiterate the comments offered above with respect to Durocher et al. and further assert that Miller et al. also does not disclose a device that includes a continuous intermediate layer disposed between the **array** of LED dies and the phosphor patches. While Applicants do not concede that the DBR mirror **30** of Miller et al. is equivalent to the intermediate layer, it is clear from **FIG. 2** in Miller et al., that the DBR mirror **30** covers only one LED die **12**. Therefore Miller also does not disclose a structure that is equivalent to a continuous intermediate layer that is disposed over an **array** of LED dies as recited in claim 1.

Applicants respectfully submit that the rejection of claims 1-9, 11, 18-23, and 28-30 should be withdrawn because a *prima facie* case of obviousness has not been established. Applicants also note that claims 3-9, 11, 18-23, and 28-30 provide further elements that may contribute to patentability.

Claim 24 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Durocher et al. as applied to claim 12, and further in view of Ota et al. (U.S. Patent No. 6,943,380). Applicants respectfully traverse this rejection.

Applicants reiterate the comments offered above with respect to Durocher et al. and respectfully submit that Ota et al. fails to remedy the shortcomings of Durocher et al. Applicants also note that claim 24 provides further elements that may contribute to patentability. Applicants therefore respectfully request that this rejection be withdrawn.

Claim 10 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Miller et al. and Durocher et al. as applied to claim 1 above, and further in view of Ota et al. Applicants respectfully traverse this rejection.

Applicants reiterate the comments offered above with respect to Durocher et al. and Miller et al., and respectfully submit that Ota et al. fails to remedy the shortcomings thereof. Applicants also note that claim 10 provides further elements that may contribute to patentability. Applicants therefore respectfully request that this rejection be withdrawn.

Claims 33-39 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Shimizu et al. (U.S. Patent No. 6,949,772), and further in view of Miller et al. Applicants respectfully traverse this rejection.

Independent claim 33 was amended to recite disposing a layer of phosphor on a **continuous** intermediate layer, the continuous intermediate layer being substantially transparent to LED light; and positioning the continuous intermediate layer and the layer of phosphor **over the array** of LED dies. In contrast to claim 33, Shimizu et al. discloses a resin **24** (i.e., the alleged intermediate layer), however, the resin **24** is not positioned over the array of LED dies,

nor is it continuous. As discussed above, Miller et al. does not disclose a continuous intermediate layer positioned over on an array of LED dies.

Because the combination of Shimizu et al. and Miller et al. fails to disclose or suggest all of the elements of claim 33, and also therefore claims 34-39 which are dependent thereon, claims 33-39 are not obvious in view of Shimizu et al. and Miller et al. In addition, claim 35 was canceled. Applicant also notes that claims 34 and 36-39 provide further elements that may contribute to patentability. Applicants therefore respectfully request that this rejection be withdrawn.

SUMMARY

It is respectfully requested that the pending claims are in condition for allowance. Reconsideration and withdrawal of all rejections are respectfully requested. The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted,

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